

# Application in a Case

Family Law Rules ~ RULE 5.01



This form is used to make an application once a case has been started by an Application for Final Orders or an Application for Divorce.

- **If you are seeking interim orders** you can only file this form if you are also filing (or have already filed) an Application for Final Orders, a Response to an Application for Final Orders, or a Reply seeking orders on the same subject matter.
- **You must file an Affidavit with this application unless** it is an application to review the decision of a Judicial Registrar or a Registrar (see Rule 5.02)
- **If you are seeking a review of a decision** you must attach a copy of the order being reviewed.

**REMOVE THIS SHEET BEFORE FILING**

# Application in a Case

Family Law Rules ~ RULE 5.01

Please type or print clearly and mark [X] all boxes that apply. Attach extra pages if you need more space to answer any questions.

**Filed in:**

- Family Court of Australia
- Family Court of Western Australia
- Federal Magistrates Court of Australia
- Other (specify) \_\_\_\_\_

**Filed on behalf of:**

Full name: \_\_\_\_\_

MARK [X] IN THE BOX THAT APPLIES TO YOU

- Husband/father
- Wife/mother
- Other (specify) \_\_\_\_\_

Client ID \_\_\_\_\_

File number / appeal number \_\_\_\_\_

Filed at \_\_\_\_\_

Filed on \_\_\_\_\_

Court location \_\_\_\_\_

Court date \_\_\_\_\_

Time \_\_\_\_\_

- Procedural Hearing
- Case Assessment Conference
- Hearing

**IMPORTANT: Information for respondents to the application is on page 4.**

## Part A About the parties

**1 APPLICANT 1**

Family name as used now

Given names

**APPLICANT 2**

Family name as used now

Given names

**2** What is your contact address (address for service) in Australia? If you give a lawyer's address, include the name of the law firm.

State	Postcode
Phone	Fax *
DX	
Lawyer's code	
Email *	

**RESPONDENT 1**

Family name as used now

Given names

**RESPONDENT 2**

Family name as used now

Given names

**Respondent's address**

State	Postcode
Phone	

\* Please do not include email or fax addresses unless you are willing to receive documents from the Court and other parties in that way.  
 If there is a second applicant or second respondent attach a separate sheet answering this question for Applicant 2 / Respondent 2.

## Part B

## About the independent children's lawyer (if appointed)

3 Independent children's lawyer family name

Given names

4 The contact address (address for service) in Australia for the independent children's lawyer is:

State		Postcode
Phone	Fax *	
DX	Email *	
Lawyer's code		

\* Please do not include email or fax addresses unless you are willing to receive documents from the Court and other parties in that way.

## Part C

## About the orders you [THE APPLICANT] are seeking

5 What type of orders are you seeking? Mark [X] all boxes that apply.

- |  |   |
|--|---|
| <input type="checkbox"/> Interim children (parenting orders)                         | <input type="checkbox"/> Application relating to an appeal          |
| <input type="checkbox"/> Enforcement of parenting orders                             | <input type="checkbox"/> Interim financial                          |
| <input type="checkbox"/> Procedural  | <input type="checkbox"/> Enforcement hearing – financial obligation |
| <input type="checkbox"/> Application for permission to appeal                        | <input type="checkbox"/> Other (specify) _____                      |
| <input type="checkbox"/> Review of the decision of a Judicial Registrar or Registrar | _____   |

Do you want this application to be dealt with in the absence of the parties in accordance with Part 5.4 of the Family Law Rules?

- Yes** – see the notes below
- No**

### Notes

- If the respondent objects to the application being determined in the absence of the parties you still must attend the court.
- If the application is to be heard in the absence of the parties each party must file at least 2 days before the hearing a list of documents to be read by the court and a supporting submission (Rule 5.17).
- An enforcement hearing cannot be held in the absence of the parties.

## Part D The orders you [THE APPLICANT] are seeking

- 6 State the orders that you are seeking. If the application is a review include the date of the order and the name of the judicial officer. [PLEASE NUMBER EACH ORDER SOUGHT]

1. <>

Attach extra pages if you need more space.

## Part E Certification

I certify that to the best of my knowledge and information, the orders sought in this application are supported by evidence.

## Part F Signature of applicant or lawyer

Signed

Date

	/ /
--	-----

This application was signed by  applicant/s  lawyer for the applicant/s

This application was prepared by  applicant/s  lawyer


PRINT NAME AND LAWYER'S CODE

Please go to page 4 for the Important Notices to the Respondent/s

## Important Notices to the Respondent/s

You should seek legal advice about this application.

### FOR AN ENFORCEMENT HEARING – FINANCIAL (See Division 20.2.2 of the Family Law Rules)

You are required to attend the Court on the Court date shown on page 1 of this form to:

- answer questions, **and**
- produce all of the documents specified in the list of documents (if any) served with this application.

You must also complete and swear a Financial Statement as to your financial circumstances and serve this on the applicant not less than 7 days before the Court date.

If you fail to attend the enforcement hearing a warrant may issue for your arrest. There may be serious consequences if you fail to comply with the requirements in the Rules in relation to an enforcement hearing. For more information see the brochure entitled *Enforcement Hearings* served with this application.

### For all other applications

If you oppose the orders sought in this application or want the Court to make different orders **you must:**

- file with the Court a Response to an Application for Final Orders; **and**
- file an affidavit, unless it is an application to review a decision of a Judicial Registrar or a Registrar; **and**
- serve a copy of the documents filed on each other party not less than 2 days before the Court date shown on page 1 of this form.

You must attend at court on the date shown on page 1 of this form, unless you agree with the applicant's request that the Court determine the application in the absence of the parties. If you object to the applicant's request, you must immediately notify the Court and the other party in writing, telling them of your objection.

If you are required to attend and you do not attend, orders may be made in your absence.

If the application is to be determined in the absence of the parties each party must file at least 2 days before the hearing a list of documents to be read by the court and a supporting submission (see Rule 5.17).